

**NATURAL RESOURCES BOARD AGENDA ITEM**

Item No. AM-06-04

**SUBJECT:**

**FOR: DECEMBER 2003 BOARD MEETING**

**TO BE PRESENTED BY:** Lloyd Eagan, Bureau of Air Management

**SUMMARY:** On December 31, 2002, the USEPA promulgated Federal rules which significantly changed the federal new source review (NSR) program for major emission sources located in both attainment and non-attainment areas. In response to the promulgation of these rules, the WDNR has met with stakeholders to develop a proposed version of these rules which it believes will work for the State by reducing administrative burden on both the WDNR and regulated entities while maintaining environmental standards and the public's ability to participate in the review process.

The proposed rule revisions involve: 1) including options for exclusion from new source review permitting regulations for clean units and pollution control projects, 2) allow for issuance of plantwide applicability limitations as an alternative to the federal new source review process and 3) revise the process used to quantify the level of emission increase resulting from a proposed project which reduce the likelihood that a new air pollution source will be subject to the new source review rules.

Controversy may arise from: 1) Developing this rule package while the federal version of the changes are pending litigation and 2) developing of program elements that differ from the federal version of the rule changes

**RECOMMENDATION:** Authorize public hearings on the proposed rule revisions

**LIST OF ATTACHED MATERIALS:**

No <input type="checkbox"/>	Fiscal Estimate Required	Yes <input checked="" type="checkbox"/>	Attached
No <input checked="" type="checkbox"/>	Environmental Assessment or Impact Statement Required	Yes <input type="checkbox"/>	Attached
No <input type="checkbox"/>	Background Memo	Yes <input checked="" type="checkbox"/>	Attached

**APPROVED:**

\_\_\_\_\_  
Bureau Director, Lloyd L. Eagan

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrator, Al Shea

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary, Scott Hassett

\_\_\_\_\_  
Date

cc:[RWP1] Linda Jahns - AD/5  
C. Turner - LS/5  
L. Eagan - AM/7  
R. Park - AM/7

R. Eckdale - AM/7  
M. Penner - LS/5  
J. Hanson - AM/7  
S. Dunn - AM/7

## STAFF REVIEW - DNR BOARD AGENDA ITEM

### REMINDER

Have the following questions been answered under the summary section of this form?

- -Why is the rule needed?
- -What are the significant changes?
- -What are the key issues/controversies?
- -What was the last action of the Board

---

### LIST OF ATTACHED REFERENCE MATERIAL REQUIRED FOR RULE PROPOSALS:

Hearing authorization:

Final adoption:

Background Memo (if needed)\*

Background Memo (if needed)\*

Fiscal Estimate

Response Summary

Environmental Assessment (if needed)

Fiscal Estimate

Rule

Environmental Assessment (if needed)

Rule

\*If all the questions listed in the REMINDER section above can be adequately summarized on the Green Sheet (and a second sheet if needed), the Background Memo may be omitted.

Unit	Reviewer	Date	Comments
Environmental Analysis and Review			
Office of Planning and Analysis			
Legal Services -Program Attorney -Carol Turner			
Other (if applicable)			

Page: 1

[RWP1][Assigned attorney] - LS/5 and [drafter] - AM/7 should be added here.

Filename: green1203.doc  
Directory: Y:\org\aw\air\HOT\nsr\nr405rulepkg  
Template: C:\Program Files\Microsoft Office\Templates\Normal.dot  
Title: Form 1100-1  
Subject:  
Author: Wisconsin DNR  
Keywords:  
Comments:  
Creation Date: 11/18/03 1:59 PM  
Change Number: 4  
Last Saved On: 11/20/03 12:50 PM  
Last Saved By: Jeffrey C. Hanson  
Total Editing Time: 4 Minutes  
Last Printed On: 11/25/03 10:36 AM  
As of Last Complete Printing  
Number of Pages: 2  
Number of Words: 3,037 (approx.)  
Number of Characters: 17,315 (approx.)